

FILED

FEB 13 2015

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

vs.

JESSE CAREY BARKER,

Defendant/Movant.

Cause No. CR 12-052-M-DLC
CV 14-273-M-DLC

ORDER DISMISSING § 2255
MOTION AND DENYING
CERTIFICATE OF APPEALABILITY

On November 24, 2014, Defendant Jesse Carey Barker filed a motion to vacate, set aside, or correct the sentence under 28 U.S.C. § 2255. Barker is a federal prisoner proceeding pro se.

On December 1, 2014, Barker was advised that he failed to “allege facts sufficient to support an inference that a reasonable investigation on counsel’s part would, to a reasonable probability, have changed the result of the revocation hearing.” Order to Barker to File Supp. (Doc. 34) at 1 (citing *Strickland v. Washington*, 466 U.S. 668, 687-88, 694 (1984)). He was given an opportunity to respond by supplementing his motion and advised that his motion would be denied if he failed to do so.

Barker failed to respond to the Order.

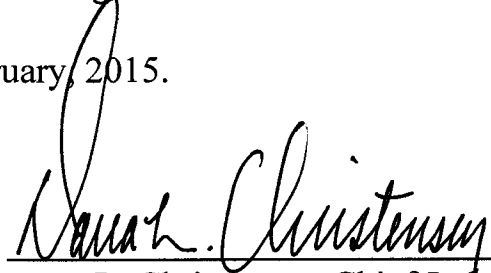
Accordingly, IT IS HEREBY ORDERED as follows:

1. Barker's motion to vacate, set aside, or correct the sentence under 28 U.S.C. § 2255 (Doc. 32) is DENIED for lack of merit.

2. A certificate of appealability is DENIED. The Clerk of Court shall immediately process the appeal if Barker files a Notice of Appeal;

3. The Clerk of Court shall ensure that all pending motions in this case and in CV 14-273-M-DLC are terminated and shall close the civil file by entering judgment in favor of the United States and against Barker.

DATED this 13th day of February, 2015.

A handwritten signature in black ink, reading "Dana L. Christensen", written over a horizontal line.

Dana L. Christensen, Chief Judge
United States District Court